

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

ARLEEN KOSAK, individually and on behalf of all others similarly situated,	Case No. 2:22-cv-11850-MFL-EAS
Plaintiff,	Hon. Matthew F. Leitman
v.	
NEW YORK MEDIA HOLDINGS, LLC.	
Defendant.	

**PLAINTIFF ARLEEN KOSAK'S  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff, individually and on behalf of all others similarly situated, submits this Notice of Supplemental Authority to apprise the Court of a recent decision relevant to Plaintiff's Motion for Leave to File a Second Amended Complaint and the related briefing (ECF Nos. 17–20). In Defendant's responsive briefing, it argues that any proposed amendment by Plaintiff here is futile. *See* Defendant's Response to Plaintiff's Motion for Leave to Amend (ECF No. 18) and Defendant's Motion for Leave to File Sur-Reply (ECF No. 20); *see also* Defendant's Motion for Leave to File Supplemental Authority (ECF No. 21) (citing *Bozung v. Christianbook, LLC*, No. 1:22-cv-304 (W.D. Mich. Mar. 6, 2023)). The recently issued decision below, and attached hereto as an exhibit, is relevant to this issue.

1. On March 8, 2023, Defendant filed a motion for leave to file supplemental authority, informing this Court of a decision on a motion to dismiss in the Western District of Michigan in *Bozung v. Christianbook, LLC*, No. 1:22-cv-304, (W.D. Mich. Mar. 6, 2023). The *Bozung* court granted the defendant's motion to dismiss, without prejudice, in a case brought on behalf of a plaintiff making a claim for violation of the Michigan PPPA.

2. Thereafter, the plaintiff in *Bozung* filed a motion for relief from judgment pursuant to Fed. R. Civ. P.59(e) & Fed. R. Civ. P. 60(b) and for leave to file second amended complaint pursuant to Fed. R. Civ. P. 15(a). On July 14, 2023, the Honorable Hala Y. Jarbou issued an opinion and order reinstating the case. The



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JACK C. McGOWAN & ASSOCIATES  
ATTORNEYS AND COUNSELORS AT LAW  
246 HIGH STREET  
HAMILTON, OHIO 45011

JACK C. McGOWAN  
McGOWAN & ASSOCIATES

TELEPHONE (513) 844-2000  
FAX (513) 868-1190

November 10, 2003

**SECOND REQUEST**

Commissioner of Patents and Trademarks  
United States Patent and Trademark Office  
Washington, DC 20231

Re: Applicant: Kenneth H. Bottom  
Title Retail banana storage unit  
Application No.: 10/051,927  
Filing Date: 1/22/2003  
Group Art Unit: 3636  
NEW BOTTOM

Dear Commissioner:

Please advise the status of the above patent application. This is a second request. I am enclosing a copy of the Filing Receipt for your information.

Yours very truly,

JACK C. McGOWAN & ASSOCIATES

  
\_\_\_\_\_  
Jack C. McGowan

JCM/ten  
Enclosures

cc: Ken Bottom

RECEIVED  
U.S. PATENT AND TRADEMARK OFFICE  
NOV 10 2003  
JACK C. McGOWAN & ASSOCIATES

**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

*/s/ E. Powell Miller*  
E. Powell Miller (P39487)  
**THE MILLER LAW FIRM, P.C.**  
950 W. University Dr., Ste. 300  
Rochester, MI 48307  
Tel: (248) 841-2200  
epm@millerlawpc.com